

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-207977

DATE: July 20, 1982

MATTER OF: Tenavision Inc.

DIGEST:

1. Protest: that late bid should have been considered because of contracting officer's failure to respond to inquiry before bid opening as to whether bid had arrived is denied. A bidder has the responsibility to assure the timely arrival of its bid and must bear the responsibility for late arrival.
2. Where it is clear from a protester's initial submission that the protest is without merit the protest will be summarily denied.

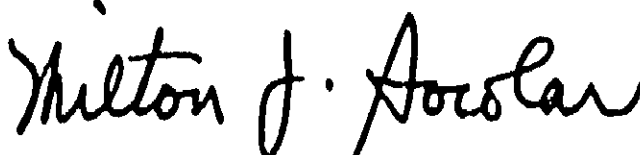
Tenavision Inc. protests the rejection of its bid as late by the Veterans Administration (VA) Medical Center, Beckley, West Virginia.

The invitation for bids (IFB) No. 80-128 required that bids be submitted to the contracting office by June 11, 1982. Tenavision's mailed bid arrived June 12. Tenavision contends its late bid should have been considered because the VA failed to respond to Tenavision's inquiries regarding the arrival of its bid. The protest is summarily denied.

Tenavision contends that it telephoned the contracting officer on June 9, 1982, for the purpose of determining whether its bid had arrived. If the bid had not arrived by June 9, the president of Tenavision intended to fly to the contracting office and hand deliver the bid by June 10. The contracting officer indicated that the bids were in a locked box and could not be examined. She also indicated that there was no list of the bids. Tenavision contends that the contracting officer's failure to indicate whether Tenavision's bid had arrived deprived it of the opportunity to hand deliver its bid.

Tenavision's protest is without merit. The fact that the contracting officer did not provide Tenavision with the information it requested did not prevent Tenavision from hand delivering its bid as a safeguard against the possibility that its mailed bid had not yet arrived. Our Office has repeatedly held that a bidder has the responsibility to assure the timely arrival of its bid and must bear the responsibility for late arrival. Eldyne, Inc., B-206657, April 6, 1982, 82-1 CPD 322; Monitor Northwest Company, B-193357, June 19, 1979, 79-1 CPD 437. The decision as to how its bid was to be delivered was entirely up to Tenavision. Tenavision chose to assume the risks of delivery by mail. It must bear the responsibility for its bid's late arrival.

Our Office generally requests a report from the procuring agency upon receipt of a protest and withholds our decision pending receipt and review of the report. See 4 C.F.R. § 21.3 (1982). However, where it is clear from a protester's initial submission that the protest is without legal merit, the matter will be decided summarily. Diversified Computer Consultants, B-206616, April 12, 1982, 82-1 CPD 335; Wilson & Hayes, Inc., B-198672, June 6, 1980, 80-1 CPD 397.

for 
Comptroller General
of the United States